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09/920,910	08/02/2001	Miraj Mostafa	442-010509-US(PAR)	7123
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PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			EXAMINER MEUCCI, MICHAEL D	
			ART UNIT	PAPER NUMBER
			2142	
DATE MAILED: 12/22/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/920,910

Applicant(s)

MOSTAFA, MIRAJ

Examiner

Michael D Meucci

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date multiple.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Finland on 02 August 2000. It is noted, however, that applicant has not filed a certified copy of the 20001741 application as required by 35 U.S.C. 119(b).

### ***Specification***

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The disclosure is objected to because of the following informalities:

Art Unit: 2142

Replace "utilising" with --utilizing—on line 17 of page 7.

Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification. Appropriate correction is required.

### ***Claim Objections***

4. Claim 5 objected to because of the following informalities: It is believed by the examiner that the applicant meant to specify --before transmitting the content-- in place of "before the transmitting the content" on line 2 of the claim. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 18 and 20 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The computer program product as disclosed in both claims is considered non-statutory because it does not fall into any of the statutory categories disclosed above.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, 3-5, 9-13, 15-20 rejected under 35 U.S.C. 102(e) as being anticipated by Luzeski et al. (U.S. 6,430,177 B1), hereinafter referred to as Luzeski.

a. As per claims 1, 17 and 18, Luzeski teaches: receiving by a communication server, content and information describing the contest from a first terminal (abstract, lines 47-52 of column 5, and Fig. 1); sending a notification message from the communication server to a second terminal, the notification message notifying about availability of the content (lines 7-29 of column 20); forming a streaming session between the communication server and the second terminal, using the information describing the content (lines 30-48 of column 20, lines 55-65 of column 20, and Fig. 4D); and transmitting the content in sequential sub-parts from the communication server to the second terminal, during the streaming session (lines 49-54 of column 20, line 66 of column 20 through line 12 of column 21, and Fig. 4D).

Art Unit: 2142

b. As per claim 3, Luzeski teaches: sending by the communication server to the second terminal the information describing the content as media component of a multimedia message (lines 22-34 of column 2 and lines 25-45 of column 4).

c. As per claim 4, Luzeski teaches: the content comprises at least one non-streamable component and at least one description of a streamable component (lines 22-34 of column 2 and lines 25-45 of column 4).

d. As per claim 5, Luzeski teaches: requesting the content by the second terminal before transmitting the content from the communication server to the second terminal (abstract).

e. As per claim 9, Luzeski teaches: the step of sending the information describing the content from the communication server to the second terminal within the notification message (lines 35-38 of column 11).

f. As per claim 10, Luzeski teaches: a content server for storing and transmitting the content and a notification server for receiving and transmitting notification messages, wherein the content server and the notification server have a physical relationship selected from the group consisting of: a single unit, separate units, and separate units distributed at different geographic locations (lines 51-54 of column 3, lines 29-45 of column 5 and item 10-2 of Fig. 1 -- notification server--, lines 46-62 of column 5 and items 12-4 and 12-5, both of Fig. 1 --content server--; items are shown as separate units --messaging platform 10-- and --server (web platform) 12-- in Fig. 1).

Art Unit: 2142

g. As per claim 11, Luzeski teaches: implementing the method as part of a Multimedia Messaging Service (abstract and lines 23-34 of column 2).

h. As per claim 12, Luzeski teaches: multicasting the content to at least one other terminal in addition to the second terminal (lines 28-34 of column 15 designates the message destined for multiple recipients and lines 54-55 of column 16).

i. As per claim 13, Luzeski teaches: a plurality of terminals (abstract – provides services to subscribers; also inherent since the messaging system is for retrieval of messages from other people); a communication server accessible to the plurality of terminals (lines 11-26 of column 5 and item 12 of Fig. 1); means for sending content and information describing the content from the first terminal to the communication server (abstract, lines 47-52 of column 5, and Fig. 1); means for sending a notification message from the communication server to the second terminal, the notification message notifying the second terminal about availability of the content (lines 7-29 of column 20); means for forming a streaming session between the communication server and the second terminal, using the information describing the content (lines 30-48 of column 20, lines 55-65 of column 20, and Fig. 4D); means for transmitting the content in sequential sub-parts from the communication server to the second terminal, during the streaming session (lines 49-54 of column 20, line 66 of column 20 through line 12 of column 21, and Fig. 4D).

j. As per claim 15, Luzeski teaches: the communication server comprises a notification server for receiving the information describing the

Art Unit: 2142

content from the first terminal (inherent) and for sending the notification message to the second terminal (lines 20-33 of column 8 and lines 7-29 of column 20).

k. As per claim 16, Luzeski teaches: the communication server further comprises a content server for receiving the content from the first terminal and for transmitting the content to the second terminal (lines 23-34 of column 2 and lines 47-66 of column 3).

l. As per claims 19 and 20, Luzeski teaches: means for receiving from a communication server information describing a message intended for the communication device (lines 45-50 of column 1 and lines 30-48 of column 20); the message comprising a streamable component (lines 27-32 of column 12); the information describing the messages comprising information describing the streamable component (lines 27-58 of column 12); means for forming, using the information describing the streamable component, a streaming session with the communication server receiving the streamable component (lines 27-58 of column 12); and means for receiving the content in sequential sub-parts from the communication server (lines 49-54 of column 20, line 66 of column 20 through line 12 of column 21, and Fig. 4D).

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which



Art Unit: 2142

said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 2 rejected under 35 U.S.C. 103(a) as being unpatentable over Luzeski as applied to claim 1, in view of Baber et al. (U.S. 6,658,485 B1) hereinafter referred to as Baber.

Luzeski fails to teach: sending the content and the information describing the content from the first terminal to the communication server in separate messages. However, Baber discloses: "In the preferred embodiment of the present invention, message segments for a partitioned data object are rebuilt by reassembling the segments 305 for the data object 380 in a data repository (such as a file stored on a disk), and a separate notification 306 that the segment has arrived is stored in notification queue 370," (lines 59-64 of column 10).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to send the content and the information describing the content from the first terminal to the communication server in separate messages. "The receiving application 350 will then access 309 the data object 380 when required by the needs of the application 350," (line 67 of column 10 through line 2 of column 11 in Baber). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to send the content and the information describing the content from the first terminal to the communication server in separate messages in the system as taught by Luzeski.

Art Unit: 2142

11. Claims 6-8 and 14 rejected under 35 U.S.C. 103(a) as being unpatentable over Luzeski as applied to claim 1 (claims 6-8) and claim 13 (claim 14) above, in view of Cannon et al. (U.S. 6,014,706) hereinafter referred to as Cannon.

a. As per claims 6 and 14, Luzeski fails to teach: generating the content at the first terminal. However, Cannon discloses: "It is well known that digital video data may be manipulated and rendered using computers. In a computer network, e.g., a client-server computer network, one or more computers may be employed to receive the analog video data (e.g., from a video camera), encode that analog video data to a suitable digital format, and store the digital video data file," (line 66 of column 1 through line 4 of column 2).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to generate the content at the first terminal. "Using a computer coupled to the network, a user may, at a subsequent time, request the pre-stored digital video data file for display on a video display associated with the client computer," (lines 5-8 of column 2 in Cannon). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to generate the content at the first terminal in the system as taught by Luzeski.

b. As per claim 7, Luzeski fails to teach: the step of streaming the content generated at the first terminal to the communication server. However, Cannon discloses: "In the above example, it is typically necessary for the client computer to receive the entire pre-stored digital video file prior to rendering the images. Real-time video streaming, on the other hand, refers to the situation

Art Unit: 2142

wherein the client computer renders the images while they are streamed from the server computer,” (lines 20-25 of column 2).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include the step of streaming the content generated at the first terminal to the communication server. “In some applications, real-time video streaming is favored since it permits the user to begin viewing video frames shortly after requesting the video file instead of having to wait until the entire pre-stored file is downloaded from the server computer,” (lines 25-30 of column 2 in Cannon). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to include the step of streaming the content generated at the first terminal to the communication server in the system as taught by Luzeski.

c. As per claim 8, Luzeski fails to teach: the step of sending the information describing the content before the content generation is complete. However, Cannon discloses: “In one embodiment, packet header 310 also includes data which indicates whether this data packet is associated with a video frame that is playable, seekable, or fast-forwardable. A video frame that is playable represents a video frame suitable for display while the client application is in either the real-time play mode or the live play mode,” (lines 40-45 of column 10) wherein the packet header is information describing the content and live play mode designates incomplete content generation.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include the step of sending the information describing

Art Unit: 2142

the content before the content generation is complete. "In step 502, the client issues a command at the client computer, e.g., by clicking on an appropriate icon or interacting via a dialog box. In the context of the current discussion, this command may represent for example a play command. The play command typically involves the command itself and a time parameter. For example, the user may wish to play in live play mode, in which case the time parameter may simply represent a flag for the server to stream the latest encoded frames to the client computer for display," (lines 10-19 of column 13), thereby entering the live play mode before its content is fully generated. It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to include the step of sending the information describing the content before the content generation is complete in the system as taught by Luzeski.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Riddle (U.S. 5,854,898) discloses system for automatically adding additional data stream to existing media connection between two end points upon exchange of notifying and confirmation messages therebetween.

Dorfman et al. (U.S. 6,134,313) discloses software architecture for a computer telephony system.

Sato (U.S. 6,173,328 B1) discloses system for transferring multimedia information.

Yach et al. (U.S. 6,341,288 B1) discloses database system with methodology for accessing a database from portable devices.

Lumelsky et al. (U.S. 6,377,996 B1) discloses system for seamless streaming of data stored on a network of distributed primary and target servers using segmentation information exchanged among all servers during streaming.

Carmel et al. (U.S. 6,389,473 B1) discloses network media streaming.

Haugli et al. (U.S. 6,522,638 B1) discloses packet data communication system with buffered data and control channels.

Sivula (U.S. 6,795,711 B1) discloses multimedia message content adaptation.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Meucci at (571) 272-3892. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey, can be reached at (571) 272-3896. The fax phone number for this Group is (703) 872-9306.

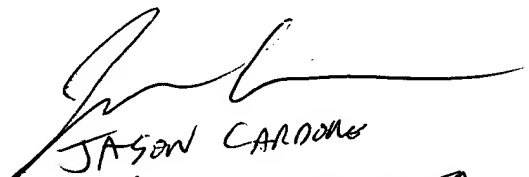
Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [michael.meucci@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or

Art Unit: 2142

exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
JASON CARBONE  
PRIMARY EXAMINER  
Art 2142